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6 The Honorable Ricardo S. Martinez

7 **UNITED STATES DISTRICT COURT**  
8 **WESTERN DISTRICT OF WASHINGTON**  
9 **AT SEATTLE**

10 PHILADELPHIA INDEMNITY  
11 INSURANCE COMPANY, a Pennsylvania  
12 corporation, as subrogee of DH&G, LLC.,

13 Plaintiffs,

14 v.

15 HEWLETT-PACKARD COMPANY,

16 Defendants.

No. 2:19-cv-00138-RSM

**JOINT MOTION TO MODIFY  
CASE MANAGEMENT AND  
SCHEDULING ORDER AND EXTEND  
TIME FOR FILING DISPOSITIVE  
MOTIONS TO PERMIT MEDIATION  
FIRST**

**NOTED FOR CONSIDERATION:  
November 2, 2021**

17 **I. RELIEF REQUESTED**

18 Defendant Hewlett-Packard Company (“HP”) and Plaintiff Philadelphia Indemnity  
19 Insurance Company (“Philadelphia”) jointly move this Court to extend the current Scheduling  
Order to continue the deadline for dispositive motions to permit the parties to attend a mediation  
first. In support of this Motion, the Parties state as follows:

20 **II. RELEVANT FACTS**

21 This case arises out of a fire at an apartment complex in Everett, Washington.  
22 Philadelphia alleges the fire was caused by a malfunctioning lithium ion battery in a laptop  
23 computer manufactured by HP, and claims damages totaling over \$5.6 million. HP denies  
24 liability.

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Mix Sanders Thompson, PLLC  
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### **III. ARGUMENT**

HP and Philadelphia are both sophisticated commercial enterprises and are represented by experienced counsel. Neither Party will be prejudiced by this extension and have jointly agreed to the proposed extension of deadlines and dates set forth above. The parties jointly agree that under the current circumstances, they would like to avoid the expense of motion practice and trial preparation in an effort to try and resolve the case. The parties plan to schedule a mediation within the next sixty (60) days.

#### **IV. CONCLUSION**

In light of the above, the Parties jointly request that this motion be allowed, and that this Honorable Court amend the Scheduling Order deadlines as follows:

Event	Current Date	Proposed Date
Filing Dispositive Motions	November 5, 2021	January 20, 2021
Motions in Limine	January 24, 2022	March 24, 2022
Pretrial Conference	--	TBD
Trial Briefs, proposed voir dire questions, jury instructions, statement of the case, trial exhibits	January 31, 2021	March 31, 2022
Jury Trial Date	February 7, 2022	May 2, 2022 <sup>1</sup>

WHEREFORE, the Parties jointly request that this motion be allowed, and that this Honorable Court amend the Scheduling Order deadlines as set forth above.

## **V. PROPOSED ORDER**

A proposed order granting this Motion is attached.

<sup>1</sup> Parties seek May 2, 2022 or a date thereafter convenient for the Court.

1                   Dated this 29th day of October, 2021

2 MIX SANDERS THOMPSON, PLLC

MACMILLAN SCHOLZ & MARKS

3 s/Kenneth M. Roessler

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## **CERTIFICATE OF SERVICE**

I, Zane Lindsay, certify that on October 29, 2021 I electronically filed the foregoing  
JOINT MOTION TO MODIFY CASE MANAGEMENT AND SCHEDULING ORDER AND  
EXTEND TIME FOR FILING DISPOSITIVE MOTIONS TO PERMIT MEDIATION FIRST  
with the Clerk of the Court using the CM/ECF System and caused to be served a true and  
correct copy via the method indicated below and addressed to the following:

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